IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

**WRIT PETITION NO : 1560 of 2004**

Between:

Ms.Tahmina Taher, d/o Syed Abu Taher,
R/o 17-2-955, Rain Bazar, Yakutpura, Hyderabad.

**..... PETITIONER**

AND

The Regional Passport Office,
Near Clock Tower, Secunderabad, rep., by the Passport Officer

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondent to receive the application to consider for issuance of fresh passport with correct date of birth of the petitioner, as illegal, arbitrary and violative of Article 14 of the Constitution of India, and consequently direct the respondent to receive the petitioner's application and consider for issuance of fresh passport with correct date of birth of the petitioner as 09-07-1985 as per Birth Certificate.

**Counsel for the Petitioner:MR.T.DAMODAR**

**Counsel for the Respondent: MR.ARAJASHEKAR REDDY (STANDING COUNSEL FOR CENTRAL GOVERNMENT)**

**The Court made the following :**

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.1560 OF 2004

ORDER:

The petitioner herein obtained Passport from the respondent bearing No.N 383079. Petitioner's date of birth was recorded in the said Passport as 9.7.1987. The petitioner alleges that her actual date of birth is 9.7.1985. Therefore, she approached the Municipal Corporation of Hyderabad and obtained certificate duly registering her date of birth as 9.7.1985. Thereafter, she approached the respondent to issue passport afresh recording her correct date of birth, in vain. Hence, she filed the present Writ Petition.

Learned counsel for the petitioner, Sri T.Damodar, placed reliance on the judgment of this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** wherein it was laid down as under.

> Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority

the passport issuing authority is required to direct the applicant to obtain a proper declaration from the civil court.

In this case, however, the petitioner cannot be said to have any grievance even if fresh passport is not issued. As per provisions of Section 13 of the Registration of Births and Deaths Act, 1969 (for short, the Act), every birth or death has to be registered within thirty days of its occurrence, or within one year with the written permission of the prescribed authority on payment of prescribed fee. If the birth or death is not registered within one year, as mentioned herein, the birth or death can only be registered by competent authority only on an order made by Magistrate of First Class after verifying the correctness of birth or death. In this case, though the petitioner has obtained birth certificate from Municipal Corporation of Hyderabad, the same is not supported by any order made under Section 13(3) of the Act. Therefore, the petitioner has to approach the Executive Magistrate for appropriate orders to Municipality which can register the birth only thereafter. Based on the certificate issued by the Municipal Corporation of Hyderabad, in which the petitioner's date of birth was registered only on 28.10.2003, no direction can be issued to the respondent. The petitioner is given liberty to approach the Executive Magistrate for appropriate orders in the matter.

The Writ Petition, with the above observations, is disposed of. No costs.

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(V.V.S.RAO, J)

23.9.2004

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To

1. The Passport Officer,  The Regional Passport Office,
   Near Clock Tower, Secunderabad.

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